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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,549	07/11/2003	Jonathan T. Footc	FXPL-01062US0 SRM/MLR	4303
23910	7590	12/03/2004	EXAMINER RAMAKRISHNAIAH, MELUR	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			ART UNIT 2643	PAPER NUMBER

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/617,549	FOOTE ET AL.	
	Examiner	Art Unit	
	Melur Ramakrishnaiah	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11-30-2004</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-15, 17, 20-22, 23, 24-36, 38, 41-42, are rejected under 35 U.S.C 102 (b) as being anticipated by Graham (WO 98/51078).

Regarding claim 1, Graham discloses communication system comprising: a screen (40, fig. 1) adapted to display a subject, the screen having a posture adapted to be controlled by the subject, and a camera (50, fig. 1) adjacent to the screen, the camera being adapted to allow the subject to view a desired location, wherein the camera is trained on the desired location, a gaze of the subject is displayed by the screen appears substantially directed at the desired location (page 3 lines 5-18, page 5, line 19 – page 6, line 25).

Regarding claim 20, Graham discloses a system to facilitate conferencing, comprising: a means (40, fig. 1) for displaying a subject, a camera (50, fig. 1) adapted to allow the subject to view a selected target of attention, wherein the attitude of the means for displaying is adapted to be controlled by the subject (abstract, page 3 lines 5-18, page 5, line 19 – page 6, line 25, page 12 lines 28-30).

Regarding claim 23, Graham discloses a communication device, comprising: a means (40, fig. 1) for displaying a subject, and a camera (50, fig. 1) adjacent to the means for displaying, the camera being fixedly connected with the means for displaying,

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wherein an attitude of camera is substantially similar to an attitude of the means for displaying , wherein the attitude for means for displaying is adapted to be controlled by the subject (abstract, page 3 lines 5-18, page 5, line 19 – page 6, line 25, page 12 lines 28-30).

Regarding claim 24, Graham discloses a system to facilitate communication between a subject and at least one participant, comprising: a screen (40, fig. 1) adapted to display the subject, the screen having a posture adapted to be controlled by the subject, and a camera (50, fig. 1) adjacent to the screen the camera being adapted to allow the subject to view a selected participant, wherein when the camera is trained on the selected participant gaze of the subject displayed by the screen appears substantially directed at the selected participant (abstract, page 3 lines 5-18, page 5, line 19 – page 6, line 25, page 12 lines 28-30).

Regarding claim 41, Graham discloses a method for conducting a conference, comprising: activating a remote terminal for displaying desired location to a subject at remote location, activating a device (40, fig. 1) for displaying the subject to the desired location, displaying the subject such that substantially full scale image appears on the device (page 2 lines 15-20), positioning the device such that the gaze of the subject is substantially directed at a first desired location and first desired location is displayed on the remote terminal, and repositioning the device at a command of one of the subject or a participant at the conference such that the gaze of the subject appears substantially directed at a second desired location and second desired location is displayed on the

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remote terminal (abstract, page 3 lines 5-18, page 5, line 19 – page 6, line 25, page 12 lines 28-30).

Regarding claims 2-15, 17, 21-22, 25-36, 38, 42, Graham further teaches the following: desired location includes a selected participant, selected participant is one of a person, a second screen, a telephone, an intercom, a video camera etc , screen is sized such that at least a portion of the subject including a face can be displayed at substantially full scale (page 2 line 15-20), at least one speaker for reproducing remote sounds from a remote location so that remote sounds are audible at the desired location (page 3, line 28 –page 4, line 6), at least one microphone for detecting the sounds at the desired location so that sounds at the desired location can be communicated to the subject (page 3 lines 28-32), a remote terminal for displaying an image captured by the camera to the subject , and a control arrangement connected to the remote terminal including means for controlling the posture of the screen thereby controlling field of view of the camera (page 2 lines 15-20), at least one remote speaker connected with the remote terminal for reproduction of sounds audible at a selectable proximity to the desired location so the sounds are audible to the subject, at least one remote microphone connected with the remote terminal for detecting remote sounds produced by the subject so that remote sounds can be reproduced at least one speaker (claim 13), means for controlling the posture is at least one of plurality of buttons, a keyboard, a joystick, a touch screen etc (page 11 lines 8-16), a means for zooming the camera so that the subject can adjust a field of view of the camera (page 12 lines 30-32), means for zooming is at least one of plurality of buttons, a joystick, a keyboard, etc (page 13

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lines 2-4, page 11 lines 14-16)a means for communicating a non verbal gesture, means for communicating a non verbal gesture is at least a one of plurality of buttons, a keyboard, a joystick, etc, non verbal gesture is one of a nod performed by the screen to indicate a positive response and shake performed by the screen (reads on waving hand) to indicate a negative response (page 2 lines 26-32), at least one microphone array (62a-62c , fig. 1) adapted to identify the direction of the origin of a sound (page 13 lines 5-9), camera (50, fig. 1) has a field of view centered at a position along the axis projecting from the means for displaying (40, fig. 1, the axis being perpendicular to a plane formed by the means for displaying, wherein position approximates a typical distance between the means for displaying and location of target of attention such that the camera is trained on a selected target of attention a gaze of the subject displayed by means of displaying means substantially directed at the selected targeted of attention (page 6 lines 7-25), detecting the sounds from a desired location, reproducing sounds from the desired location to the remote location, detecting sounds at the remote location, and reproducing sounds from the remote location (claim 13).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16, 37, are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham in view of Nimiri et al. (US PAT: 6,771,302, filed 8-14-2002, hereinafter Nimiri).

Regarding claims 16, 37, Graham does not teach the following: non-verbal gesture is text displayed on the screen.

However, Nimiri discloses videoconference closed caption system and method which teaches the following: non-verbal gesture is text displayed on the screen (fig. 7 col. 6 lines 14-42).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Graham's system to provide for the following: non-verbal gesture is text displayed on the screen as this arrangement would provide means for conveying information for hearing impaired and foreign speakers in a conference as taught by Nimiri (col. 1 lines 51-59), thus enhancing the video conference participation.

5. Claims 18 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham in view of Kajii et al. (JP358021961A, hereinafter Kajii).

Regarding claims 18 and 39, Graham does not teach the following: remote viewer provides a visual indication of the direction of the origin of the sound to the subject.

However, Kajii discloses audio remote control conference system which provides the following: remote viewer provides a visual indication of the direction of the origin of the sound to the subject (fig. 1, see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Graham's system to provide for the following: remote viewer provides a visual indication of the direction of the origin of the sound to the subject as this arrangement would provide means for identifying the speaker in

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conferencing system as taught by Kajii, thus conferees being made aware of the speaker so that they can pay attention to the speaker in the conference.

6. Claims 19 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham in view of Ishibashi (JP411234640A).

Regarding claims 19 and 40, Graham does not teach the following: remote receiver provides an audible indication of the direction of the origin of a sound to the subject.

However, Ishibashi discloses communication control system which teaches the following: remote receiver provides an audible indication of the direction of the origin of a sound to the subject (fig. 1, see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Graham's system to provide for the following: remote receiver provides an audible indication of the direction of the origin of a sound to the subject as this arrangement would provide means for identifying the speaker in conferencing system as taught by Ishibashi, thus conferees being made aware of the speaker so that they can pay attention to the speaker in the conference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on M-F 6:30-4:00; every other F Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703)305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melur Ramakrishnaiah
Primary Examiner
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